

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: August 17, 2005

Division: Growth Management

Bulk Item: Yes No X

Department: Planning and Env. Resources

Staff Contact Person: K. Marlene Conaway

AGENDA ITEM WORDING: A public hearing to consider a request for Administrative Relief from Michael & Margaret Liscio, Lot 12, Block 2, Ocean Isle Estates, Subdivision, Key Largo, Real Estate Number 00538420.000000.

ITEM BACKGROUND: A building permit and ROGO allocation were applied for on June 13, 2001 (Year 9, Quarter 4). The applicant applied for Administrative Relief on January 24, 2005 (Year 13, Quarter 3) and is within the allowable time frame to be eligible for Administrative Relief under Section 9.5-122.2(f) of the Monroe County Code.

Staff recommends that Administrative Relief be granted in the form of a dwelling unit allocation award.

PREVIOUS RELEVANT BOCC ACTION: N/A

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval.

TOTAL COST: N/A

BUDGETED: Yes N/A No

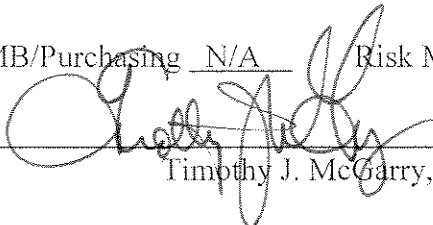
COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty X OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL:


Timothy J. McGarry, AICP

DOCUMENTATION: Included X

Not Required

DISPOSITION:

AGENDA ITEM #

RESOLUTION NO. -2005

A RESOLUTION BY THE MONROE COUNTY BOARD OF
COUNTY COMMISSIONERS **APPROVING** THE REQUEST
FOR ADMINISTRATIVE RELIEF MADE BY MICHAEL AND
MARGARET LISCIO ON THE LOT DESCRIBED AS LOT 12,
BLOCK 2, OCEAN ISLE ESTATES, KEY LARGO,
RE#00538420.000000. THE RECOMMENDED RELIEF IS IN
THE FORM OF A DWELLING UNIT ALLOCATION

WHEREAS, Michael and Margaret Liscio submitted an application for a building permit allocation under the Residential Rate of Growth Ordinance (ROGO) in June of 2001; and

WHEREAS, the application has been in the ROGO system for at least four (4) consecutive years; and

WHEREAS, the Board of County Commissions (BOCC) has the authority to grant Administrative Relief under Section 9.5-122.2(f)(6) and may grant the applicant a building allocation, offer to buy the property at fair market value, or provide such other relief as may be necessary and appropriate; and

WHEREAS, the lot is not identified as being in the Conservation and Native Area (CNA), received no negative environmental points and one (1) positive environmental point; and

WHEREAS, Board of County Commissioners Resolution 223-2004 directs staff to identify small parcels with indigenous hammock and pinelands for recommended purchase; and

WHEREAS, the subject property is not an area of indigenous hammock or pinelands; and

WHEREAS, Policy 101.6.5 of the 2010 Comprehensive Plan provides criteria to be used for determining lands that are appropriate for acquisition and the criteria includes the environmental sensitivity of the vegetative habitat on the lot; and

WHEREAS, the subject property, located in Ocean Isle Estates Subdivision is not environmentally sensitive; and

WHEREAS, the Monroe County Board of County Commissioners makes the following findings of fact and conclusions of law:

1. The Michael and Margaret Liscio application for Lot 12, Block 2, Ocean Isle Estates received no negative environmental points and one (1) positive environmental point; and
2. The applicants have applied for Administrative Relief under Section 9.5-122.2(f)(6) of the Monroe County Code and Policy 101.6.1 of the 2010 Comprehensive Plan and Section 9.5-122.2(f) of the Monroe County Code provides a mechanism whereby an applicant who has not received an allocation award in ROGO may apply to the Board of County Commissioners for Administrative Relief; and

3. The applicant has been in the ROGO system for three of the last four annual allocations periods and therefore qualifies for Administrative Relief; and
4. The property does not qualify under criteria established by Resolution 223-2004 for purchase by the Monroe County Land Authority of small parcels with indigenous hammock and pinelands; and
5. The property does not qualify as environmental sensitive under criteria established by Policy 101.6.5 and Policy 101.6.6 of the Monroe County Years 2010 Comprehensive Plan that directs the County to prioritize acquisition based on the environmental sensitivity of the land.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Administrative Relief is granted to Michael and Margaret Liscio, on Lot 12, Block 2, Ocean Isle Estates in the form of a dwelling unit allocation award, subject to the following conditions:

1. The timing of the issuance of the permit shall be in accordance with the annual number of residential allocations defined by Policy 101.2.13 of the Monroe County Year 2010 Comprehensive Plan and as required by Section 9.5.-122.2(f) of the Monroe County Code; and
2. The allocation award shall be taken out of the next quarterly allocation which closes October 13, 2005 (Quarter 1, Year 14) or such time as a residential allocation becomes available; and
3. The assignment of a nutrient reduction credit shall be required prior to issuance of the permit.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____, 2005.

Mayor Dixie Spehar	_____
Mayor Pro Tem Charles "Sonny" McCoy	_____
Commissioner George Neugent	_____
Commissioner David Rice	_____
Commissioner Murray Nelson	_____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Mayor Dixie Spehar

(SEAL)

ATTEST: DANNY L. HOLHAGE, CLERK

DEPUTY CLERK



GROWTH MANAGEMENT DIVISION

88800 Overseas Highway
Tavernier, Florida 3300
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BOARD OF COUNTY COMMISSIONERS

Mayor Dixie M. Sphere, District 1
Mayor Pro Tem Charles "Sonny" McCoy, District 3
George Neugent, District 2
David P. Rice, District 4
Murray E. Nelson, District 5

To: Board of County Commissioners

From: K. Marlene Conaway, Director
Department of Planning and Environmental Resources

Date: June 20, 2005

Subject: **Michael & Margaret Liscio, Administrative Relief Request**

Background on Subject Property:

The subject property is zoned Improved Subdivision (IS) and is located in the Ocean Isle Estates Subdivision, Lot 12, Block 2, Key Largo, Real Estate Number 00538420.000000. The applicant purchased the property in April of 2001. The sale price is listed in the assessor's records as \$12,000.00. The current land value is listed in the assessor's records as \$11,400.00. The applicant entered the Residential Rate of Growth Ordinance (ROGO) system on June 13, 2001 (Year 9, Quarter 4). Permit #01-3-1440.

Permitting History:

A building permit and ROGO allocation were applied for on June 13, 2001 (Year 9, Quarter 4). The application scored eighteen (18) points: thirteen (13) points from planning including two (2) points for modest housing detached infill, one (1) point for non-waterfront lot under the modest housing program, 4 points from the building department review including one (1) point for construction in an "X" flood zone, and one (1) point from environmental resources as the subject property was determined to be Habitat Protection Group 1, disturbed/scarified, by the Upper Keys Biologist.

Currently, with the addition of three perseverance points, the property scores twenty-one (21) points. At the end of the fourth quarter, Wednesday, July 13, 2005, the applicant will receive an additional perseverance point for a total of twenty-two (22) points.

The lot immediately to the west of the subject property has a residence, as do the lots immediately to the rear of the subject property and the lot across the road to the north. There is another vacant lot to the east of the subject property, with two (2) residences immediately to the east of that vacant lot.

Twelve previous ROGO allocations have been granted in the Ocean Isle Estates subdivision, with three (3) awarded in Year 2, one (1) awarded in Year 3, three (3) awarded in Year 4 of which two (2) were for affordable housing, one (1) awarded in Year 5, one (1) awarded in Year 6, one (1) awarded in Year 9, one (1) awarded in Year 10 and one (1) in Year 11. The permit numbers are: 92-3-6990, 92-3-7068, 93-3-10463, 94-3-1622, 94-3-2428, 95-3-2255, 96-3-910, 96-3-1410, 97-3-1100, 97-3-1101, 00-3-3646 and 01-3-260.

The applicant applied for Administrative Relief on January 24, 2005 (Year 13, Quarter 3) and is within the allowable time frame to be eligible for Administrative Relief under section 9.5-122.2(f) of the Monroe County Code.

Development Potential:

Zoning – The property is zoned Improved Subdivision (IS) which allows one single-family residential dwelling and accessory uses. As an Improved Subdivision lot, it has no TDR value under the current code.

Future Lane Use Map (FLUM) – The FLUM indicates the property to be Residential Medium (RM) which is intended for single-family residential use.

Land Type – The property was given a point assignment of one (1) positive point for being in Habitat Group 1 which is defined in Section 9.5-122.3(7) and includes the following: Disturbed/scarified or disturbed with hammock or disturbed with exotics. This is the least environmentally sensitive category of the four described in Section 9.5-122.3(7).

Neighboring Properties – The subdivision is more than 50 percent built out. Of the remaining undeveloped lots in the subdivision, most are in groups of 2 or 3 with no large open unbuilt spaces.

ROGO- The ROGO point system is designed to direct growth to protect natural resources and to encourage infill development of improved subdivision lots. In response to Objectives 101.5 of the Monroe County 2010 Comprehensive Plan which directs the County to protect natural resources, Land Development Regulations (LDRs) have been adopted that score minus ROGO points in environmentally sensitive lands. The subject lot received no negative points under Section 9.5-122.3 of the Land Development Regulations, and is not identified as being in the Conservation and Natural Areas (CNA).

Eligibility for Administrative Relief Options:

Section 9.5-122.2(f) of the Monroe County Land Development Regulations and Policy 101.6.1 or the 2010 Comprehensive Plan provides a mechanism whereby an application which has not received an allocation award in ROGO may apply to the Board of county Commissioners for Administrative Relief. The applicant is eligible for Administrative Relief having complied with all requirements of the dwelling unit allocation system and having been considered in at least three (3) of the last four consecutive annual allocation periods and having submitted their application for Administrative Relief no earlier than the third annual allocation period and no later than ninety (90) days following the close of the fourth allocation period.

Relief Options under Administrative Relief:

The remedies available to an application for Administrative Relief pursuant to Section 9.5-122.2(f) include issuance of an allocation award or just compensation by purchase of the property or such other relief as may be necessary or appropriate.

The subject property does not contain sensitive environmental features or any significant habitat for endangered or threatened animal species. It therefore does not meet the criteria established under the existing Policy 101.6.6 and Policy 102.4.2, or the proposed Policy 101.6.5 of the Year 2010 Comprehensive Plan for the purchase of property under Administrative Relief.

The applicant has requested Administrative Relief in the form of a granting of an allocation and has not expressed a desire to sell the property to the County as provided for under Policy 101.6.1 of the Year 2010 Comprehensive Plan.

Staff Analysis:

The Growth Management Division has reviewed the application and recommends the award of a ROGO allocation to the applicant.

Findings of Fact:

1. The Michael and Margaret Liscio ROGO application for Lot 12, Block 2, Ocean Isle Estates received no negative environmental points and one (1) positive environmental point; and
2. Policy 101.6.1 of the 2010 Comprehensive Plan and Section 9.5-122.2(f) of the Monroe County Code provides a mechanism whereby an applicant who has not received an allocation award in ROGO may apply to the Board of County Commissioners for Administrative Relief; and
3. The applicant has been in the ROGO system for three of the last four annual allocations periods and therefore qualifies for administrative relief; and
4. The property does not qualify under criteria established by Resolution 223-2004 for purchase by the Monroe County Land Authority of small parcels with indigenous hammock and pinelands; and
5. The property does not qualify as environmentally sensitive under criteria established by Policy 101.6.5 and Policy 101.6.6 of the Monroe County Year 2010 Comprehensive Plan that directs the County to prioritize acquisition based on the environmental sensitivity of the land.

Recommendation:

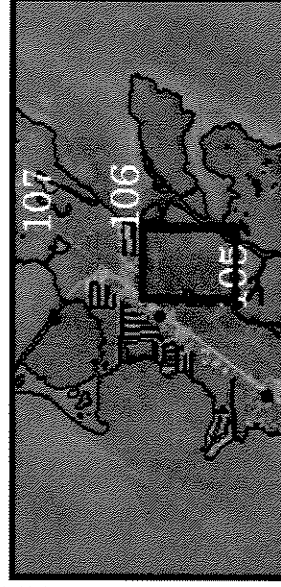
1. It is recommended that the Board of County Commissioners find that the applicant has met the criteria and qualifies for Administrative Relief. It is further recommended that an order be prepared that establishes this relief as an award of a ROGO allocation in the next quarterly ROGO allocation period which closes October 13, 2005, or at such time as a ROGO allocation is available.

cc: Timothy J. McGarry, AICP, Director of Growth Management
Mark Rosch, Monroe County Land Authority

00538420.000000 Liscio

Property line = +/- 10 feet

2003 Aerial Photos



This map is for Monroe County Growth Management Division purposes only. The data contained herein is illustrative only and may not accurately depict boundaries, parcels, roads, right of ways, or other information.

7/1/2005







